

03/23/06

USPTO 21 MAR 2006

PCT

Approved for use through 3/31/2007. OMB 0651-0021
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 20496-484
INTERNATIONAL APPLICATION NO. PCT/EP03/14699	INTERNATIONAL FILING DATE 20 December 2003	U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/540.960
TITLE OF INVENTION DEVICE FOR CONTINUOUSLY DELIVERING BAGS		PRIORITY DATE CLAIMED 30 December 2002
APPLICANT(S) FOR DO/EO/US Andreas HEIMSOTH		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none">1. <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.4. <input checked="" type="checkbox"/> The US has been elected (Article 31).5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))<ol style="list-style-type: none">a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).<ol style="list-style-type: none">a. <input checked="" type="checkbox"/> is attached hereto.b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))<ol style="list-style-type: none">a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).b. <input type="checkbox"/> have been communicated by the International Bureau.c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.d. <input type="checkbox"/> have not been made and will not be made.8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
Items 11 to 20 below concern document(s) or information included:		
<ol style="list-style-type: none">11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.13. <input type="checkbox"/> A preliminary amendment.14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.15. <input type="checkbox"/> A substitute specification.16. <input type="checkbox"/> A power of attorney and/or change of address letter.17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		

7

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/540,960	INTERNATIONAL APPLICATION NO. PCT/EP03/14699	ATTORNEY'S DOCKET NUMBER 20496-484								
20. Other items or information: <div style="display: flex; justify-content: space-between;"> <div> -Return Postcard -Copy of Notification of Defective Response -Express Mail No. EV 671 310 903 US </div> <div>-Response to Notification of Defective Response</div> </div>										
The following fees have been submitted 21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300 22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 All other situations..... \$200 23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400 All other situations..... \$500 TOTAL OF 21, 22 and 23 =		CALCULATIONS \$								
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Total Sheets</th> <th>Extra Sheets</th> <th>Number of each additional 50 or fraction thereof (round up to a whole number)</th> <th>RATE</th> </tr> </thead> <tbody> <tr> <td>- 100 =</td> <td>/50 =</td> <td></td> <td>x \$250</td> </tr> </tbody> </table>		Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE	- 100 =	/50 =		x \$250	\$
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE							
- 100 =	/50 =		x \$250							
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$								
CLAIMS	NUMBER FILED	NUMBER EXTRA								
Total claims	- 20 =	x \$ 50								
Independent claims	- 3 =	x \$200								
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$360								
TOTAL OF ABOVE CALCULATIONS =		\$								
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.										
SUBTOTAL =		\$								
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		\$ 0 *(see note below)								
TOTAL NATIONAL FEE =		\$								
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		\$								
TOTAL FEES ENCLOSED =		\$								
		Amount to be refunded:								
		\$								
		Amount to be charged								
		\$								

***\$130 PROCESSING FEE WAS ALREADY AUTHORIZED IN TRANSMITTAL LETTER OF JAN. 20, 2006 (COPY ATTACHED).**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

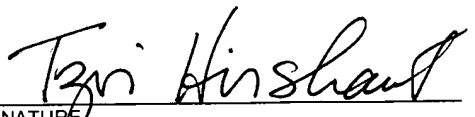
- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 16-2500. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Proskauer Rose LLP
Patent Department
1585 Broadway
New York, NY 10036

Customer No:
21890


SIGNATURE

Tzvi Hirshaut

NAME

38, 732

REGISTRATION NUMBER

Date- 21, March 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of :	Andreas HEIMSOTH
Filed: :	June 28, 2005
Serial No. :	10/540,960
Based on International Appl. No.:	PCT/EP03/14699
Title :	DEVICE FOR CONTINUOUSLY DELIVERING BAGS

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Sir:

In the Notification of Defective Response mailed on February 27, 2006, an English Translation of Application was required to be submitted. In response, applicants have enclosed the English Translation of Application. A copy of the Notification is also included with this Response.


Applicants wish to make the PTO aware that in response to an earlier Notification of Missing Requirements of January 4, 2006, Applicants filed an English Abstract on January 20, 2006 and, at that time, authorized a charge of \$130 for the processing fee in Applicants' Transmittal Letter. The processing fee was therefore already billed to the undersigned's Deposit Account.

Therefore, Applicants believe that no further fee is due in connection with this response. A copy of our Transmittal Letter showing authorization to charge the \$130 fee is enclosed. However, to the extent that there are any fees due, including any processing fees, please charge the fee to Deposit Account No. 16-2500 of the undersigned.

Respectfully submitted,

PROSKAUER ROSE LLP
Attorneys for Applicant(s)

Date: March 21, 2006

By 
Tzvi Hirshaut
Reg. No. 38,732

PROSKAUER ROSE LLP
Patent Department
1585 Broadway
New York, NY 10036-8299
Tel: (212) 969-3000

Customer No.: 21890

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

20496-484

U.S. APPLICATION NO. (If known, see 37 CFR 1.5

10/540,960

INTERNATIONAL APPLICATION NO.

PCT/EP03/14699

INTERNATIONAL FILING DATE

20 December 2003

PRIORITY DATE CLAIMED

30 December 2002

TITLE OF INVENTION

DEVICE FOR CONTINUOUSLY DELIVERING BAGS

APPLICANT(S) FOR DO/EO/US

Andreas HEIMSOTH

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:
Return PostCard.; Copy of Notice of Missing Requirements dated 01/04/2006;
ExpressMail No.: ER330433927US

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/540,960		INTERNATIONAL APPLICATION NO. PCT/EP03/14699		ATTORNEY'S DOCKET NUMBER 20496-484	
--	--	--	--	--	--

<p>21. <input type="checkbox"/> The following fees are submitted:</p> <p>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</p> <p>Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO..... \$1080.00</p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$920.00</p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$770.00</p> <p>International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$730.00</p> <p>International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00</p> <p style="text-align: center;">ENTER APPROPRIATE BASIC FEE AMOUNT =</p> <p>Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">CLAIMS</th> <th style="width: 15%;">NUMBER FILED</th> <th style="width: 15%;">NUMBER EXTRA</th> <th style="width: 15%;">RATE</th> <th style="width: 15%;">\$</th> <th style="width: 20%;"></th> </tr> <tr> <td>Total claims</td> <td>5 - 20 =</td> <td>0</td> <td>x \$18.00</td> <td>\$ 0</td> <td></td> </tr> <tr> <td>Independent claims</td> <td>1 - 3 =</td> <td>0</td> <td>x \$86.00</td> <td>\$ 0</td> <td></td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+ \$290.00</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: center;">TOTAL OF ABOVE CALCULATIONS =</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4"> <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. </td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;">SUBTOTAL =</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4">Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).</td> <td>\$ 130.00</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;">TOTAL NATIONAL FEE =</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;">TOTAL FEES ENCLOSED =</td> <td>\$ 260.00</td> <td></td> </tr> <tr> <td colspan="4"></td> <td style="text-align: right;">Amount to be refunded:</td> <td>\$</td> </tr> <tr> <td colspan="4"></td> <td style="text-align: right;">charged:</td> <td>\$</td> </tr> </table>				CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$		Total claims	5 - 20 =	0	x \$18.00	\$ 0		Independent claims	1 - 3 =	0	x \$86.00	\$ 0		MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$290.00	\$		TOTAL OF ABOVE CALCULATIONS =				\$		<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$		SUBTOTAL =				\$		Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ 130.00		TOTAL NATIONAL FEE =				\$		Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$		TOTAL FEES ENCLOSED =				\$ 260.00						Amount to be refunded:	\$					charged:	\$	CALCULATIONS PTO USE ONLY	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$																																																																															
Total claims	5 - 20 =	0	x \$18.00	\$ 0																																																																															
Independent claims	1 - 3 =	0	x \$86.00	\$ 0																																																																															
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$290.00	\$																																																																															
TOTAL OF ABOVE CALCULATIONS =				\$																																																																															
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$																																																																															
SUBTOTAL =				\$																																																																															
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ 130.00																																																																															
TOTAL NATIONAL FEE =				\$																																																																															
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$																																																																															
TOTAL FEES ENCLOSED =				\$ 260.00																																																																															
				Amount to be refunded:	\$																																																																														
				charged:	\$																																																																														

a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. 16-2500 in the amount of \$ 260.00 to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 16-2500. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO: Proskauer Rose LLP 1585 Broadway Room 17-25 New York, NY 10036-8299 Phone: (212) 969-3000 Fax: (212) 969-2900	Customer No.: 21890	<div style="text-align: center;"> SIGNATURE Charles Guttman </div> <hr/> <div style="text-align: center;"> NAME 29,161 </div> <hr/> <div style="text-align: center;"> REGISTRATION NUMBER </div>
---	--------------------------------------	--

Date: 1/20/06